

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00286

**Catherine Viola Fanciullo,**  
by Next Friend Thomas J. Fanciullo

*Petitioner,*

v.


**Sheriff Botie Hillhouse,**  
*Respondent.*

**ORDER**

Petitioner Catherine Viola Fanciullo filed this habeas corpus action challenging her pretrial detention on pending state criminal charges. Doc. 1. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636(b). Doc. 2. On June 30, 2023, the magistrate judge issued a report recommending that the petition be dismissed without prejudice as premature and unexhausted and for failure to state a claim for habeas relief. Doc. 8. No objections were filed, though petitioner filed a response seeking a continuance as she resolves her criminal charges. This request effectively endorses the magistrate judge's recommendation.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. The petition is dismissed.

*So ordered by the court on September 29, 2023.*

  
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J. CAMPBELL BARKER  
United States District Judge